

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**EDILBERTO GUEMBES HERNANDEZ,**

**Defendant.**

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**Case No. 8:07CR371**

**ORDER**

This case came on for hearing January 15, 2008 on the defendant's Motion to Sever Rule 8(B) Misjoinder (#14). Based upon the government's confession of the motion, I will grant the defendant severance under Rule 8(b) as a misjoinder of parties defendant.

**IT IS ORDERED:**

1. Defendant's Motion to Sever Rule 8(B) Misjoinder (#14) is granted, and the defendant Edilberto Guembes Hernandez's case is severed from that of the co-defendant, Juan Jose Sanchez Rodriguez.

2. The defendant's oral motion to continue the date for the setting of a trial date is granted, and the date for the defendant's trial will be determined on February 20, 2008. The defendant, on the record, waived his right to speedy trial and the time between January 15, 2008 and February 20, 2008 shall be deemed excluded for purposes of computing the limits under the Speedy Trial Act. See 18 U.S.C. § 3161(h)(1)(I) & (h)(8)(A)(B).

Dated this 15<sup>th</sup> day of January 2008.

**BY THE COURT:**

S/ F. A. Gossett  
United States Magistrate Judge